UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/414,995	10/07/1999	ROBERT CHARLES MONSEN	CISCO-1261	4136

7590 08/03/2004

DAVID B RITCHIE
D'ALESSANDRO & RITCHIE
P O BOX 640640
SAN JOSE, CA 951640640

EXAMINER	
WON, MICHAEL YOUNG	
ART UNIT	**PAPER NUMBER**
2155	20

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/414,995	MONSEN ET AL.	
	Examiner	Art Unit	
	Michael Y Won	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 October 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-26 have been re-examined and are pending with this action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 5, 9, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orita (US 5,163,147 A).

As per claim 1, 5, 9, and 23, Orita teaches of an apparatus (see col.2, line 53: computer system), a method (see col.7, line16), and a program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine (see col.1, lines 37-40), for controlling operations by a client on a stored file (see col.1, lines 52-56: "accessing a file by a user" and col.2, lines 54-56), said apparatus comprising: a first memory associated with the file, said first memory (see Fig.1, #14, and col.2, line 68) for storing a fixed file security status, said fixed file security status being of a first type (see col.3, lines 25-30: "NO"); a second memory (see Fig.1, #14, and col.2, line 68) associated with the file, said second memory for storing an active file

security status, said active file security status initially copied from said fixed file security status and initially being of said first type and changeable to a second type (col.3, lines 25-30: "YES"); a request handler (see col.2, lines 11-12: "access verifying unit") receiving a request from the client to perform operations on the file, said request handler disallowing the client from performing operations on the file if said active file security status is of said first type and allowing the client to perform operations on the file if said active file security status is of said second type (see Fig.3, #S13 and col.4, lines 60 to col.5, line 1); and a independent verification routine (see col.1, line 68: "user recognizing unit"; and col.4, lines 49-52) having access to a security database listing clients and corresponding privileges (see Fig.1, #12; Fig.4; Fig.5; col.3, lines 5-9 & 36-44; and col.3, line 56 to col.4, line 22), and capable of receiving a authorization credential from the client (see col.1, line 68; col.2, lines 1-4; and col.3, lines 17-25), said independent verification routine causing said active file security status to change to said second type if said authorization credential indicates that the client has the privilege to access the file (see Fig.3, step S13 to step S15, and col.4, line 60 to col.5, line 1).

Although Orita does not explicitly teach of a "fixed file security status" or an "active file security status", he does teach of comparing input data with stored data to change the security status to either allow or deny access of the user to the system, program, and file access. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ a fixed file

security status of accessing a file system until an active file security status changes the status type because all users are denied access unless approved via an authentication means as taught by Orita.

3. Claims 10-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott et al. (US 5,987,123 A) in view of Orita (US 5,163,147 A) and Mandalia (US 6,324,584 B1).

As per claims 10, 13, 16, and 19, Scott teaches of a method (see Abstract and col.1, lines 35-38) and a program storage device readable by a machine, tangibly embodying a program of instructions executable by a machine (see col.3, lines 14-19), for creating a secure file on a file system (see col.2, lines 12-13) including a verification routine (see col.3, lines 22-23: "signature checking software"), the method comprising: receiving from a user an open for write call (see col.4, lines 2-5 and col.5, lines 46-47) for a file that does not exist at the time said call is received (see col.2, lines 10-16: "creating a secure file... to perform a file access operation on a file of the data processing system"); recognizing that the file does not exist at the time the call is received (inherent); creating a file entry for said file (see col.2, lines 12-13: "creating a secure file"); receiving from said user an authorization credential (see col.5, lines 51-57); authenticating with said verification routine the privileges of the user (see col.4, lines 5-8 & 39-54); recognizing a combination of a user sending an open for write call for a file that does not exist at the time the call is received and said authorization

credential that is authenticated (see col.3, line 60 to col.4, line 7 and col.4, lines 39-54); and creating a secure file (see Fig.5 and col.5, lines 57-59) in said file system, having a fixed file security status being of a first type (see col.6, lines 23-32).

Scott does not teach of a request handler. Orita teaches of a request handler (see col.2 lines 11-12: "access verifying unit"). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Orita within the system of Scott by employing a request handler to handle all user request within the secure file creating system, apparatus, and method, because functions performed by a data processing system of "receiving", "obtaining", "encrypting", and "creating" (see Scott: col.2, lines 10-20) would not occur if a request handler did not exist to correctly respond to user request(s).

Scott does not teach that the file system is a router. Mandalia teaches of a router with a file system (see col.1, lines 15-21). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Mandalia within the system of Scott by employing a router with a file system within the secure file creating system, apparatus, and method, because Scott teaches that an automatic and transparent method of checking and authenticating data is needed (see col.1, lines 29-31), and by implementing a router to perform such functions as taught by Mandalia will not only alleviate the congestion, but will eliminate the need for each data repository to check for authentication which will also save time for the user and the processors.

As per claims 11, 12, 14, 15, 17, 18, 20, and 21, Scott further teaches setting a memory location (see col.4, line 14: "stored") associated with the file and in said file system of said router to a value indicating that the file is a secure file (see col.4, lines 13-15 and col.3, lines 46-49) and closing said file entry (implicit).

4. Claims 2, 6, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orita (US 5,163,147 A), as applied to claims 1, 5, 9, and 23 above, and further in view of Subramaniam et al. (US 5,519,507 A). Orita teaches all the limitations of claims 2, 6, 22, and 24 including a third memory associated (see col.8, lines 1-3 and col.1, lines 40-43) with the file, but he does not teach that the said third memory is used for storing a delete-on-close status, said delete-on-close status initially set to a first value and changeable to a second value, wherein said first value indicates that the file will not be deleted upon closing and the second value indicates that the file will be deleted upon closing. Subramaniam teaches of a delete-on-close status, said delete-on-close status initially set to a first value and changeable to a second value, wherein said first value indicates that the file will not be deleted upon closing and the second type indicates that the file will be deleted upon closing (see col.6, lines 31-33 and 35-37). It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to employ the teachings of Subramaniam within the system of Orita, by allowing the client who has access to a particular file to be able to

delete or retain the file from memory upon closing, because such functions enable the client to have complete control of the file in which they have access to.

5. Claims 3, 4, 7, 8, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orita (US 5,163,147 A) and Subramaniam et al. (US 5,519,507 A), as applied to claims 1, 2, 5, 6, 23, and 24 above, and further in view of Testin et al. (US 4,776,038 A). Orita and Subramaniam teach all the limitations of claims 3, 4, 7, 8, 25, and 26, except that the first memory is a non-volatile random access memory and said second memory and third memory are in a file entry, and that the first memory, said second memory, and said third memory comprise single bits. Testin teaches of a non-volatile random access memory and said second memory and third memory are in a file entry (see col.3, lines 39-40) and that the first memory, said second memory, and said third memory comprise single bits (see col.4, lines 58-62). It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to employ the teachings of Testin within the system of Orita and Subramaniam, because non-volatile random access memory allows the contents to be retained even after power is removed, thus allowing an assign value in the first memory to always retain that value and because assigning a single bit to a memory allows for two states ("0" state or "1" state) to serve two functions, respectively. This enables the content from switching from a desired state such as a "1" which could mean "access not granted" to an unknown or an error state per each power down and power back up sequence.

Response to Arguments

6. In response to the argument regarding claims 1, 5, 9, and 23, the applicant is reminded that Orita is not in prosecution. Whether Orita's invention is a two part process or not, the functional elements of what is claimed is clearly taught by Orita. The claimed invention does not specifically state that process of accessing a secure file cannot be precluded by a login step as taught by Orita. Orita clearly teaches that to access a file by a user, the "comparing" of user's entered information with that of previously stored information results in a "change" of the security status of the user's access to the file from a "NO" to a "YES". Additional references locations have been provide to clarify any confusion the reference teaches.

7. In response to applicant's argument regarding claims 10-21, that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "trust security" versus "access security") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, Scott teaches that the user signature data structure has a name, type, public key, values indicating the type of permission the entity has for the system (e.g., **create**, delete, read, write, execute,

ect.)" (see col.3, line 60 to col.4, line 5). Additional references locations have been provide to clarify any confusion the reference teaches.

With respect to the argument regarding Orita and Mandalia as being insufficient, see definition of 35 U.S.C. 103(a). The secondary references each teach one element of the claimed invention. Since the primary reference teaches the rest, additional reference locations need not be located so long as the single reference location teaches the element claimed. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

8. For the reasons stated above claims 2-4, 6-8, 22, 24-26, remain rejected.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y Won whose telephone number is 703-605-4241. The examiner can normally be reached on M-Th: 6AM-3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on 703-308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Young Won

July 29, 2004

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER